

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Charles W. Pollock, Jr.,

File No. 21-cv-2327 (ECT/DTS)

Petitioner,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Steven Kallis, *Warden*,

Respondent.

Petitioner Charles W. Pollock, Jr. (“Pollock”) commenced this action pro se by filing a petition for a writ of habeas corpus. Pet. [ECF No. 1]. The case is before the Court on a Report and Recommendation [ECF No. 5] issued by Magistrate Judge David T. Schultz. Magistrate Judge Schultz recommends dismissing Pollock’s petition without prejudice for lack of subject-matter jurisdiction. R&R at 3. Magistrate Judge Schultz also recommends denying Pollock’s application to proceed *in forma pauperis* and certifying that any appeal taken from the dismissal of this action would not be taken in good faith pursuant to 28 U.S.C. § 1915(a)(3). Pollock filed objections to the Report and Recommendation. ECF No. 6. Respondent did not file a response.

Because Pollock has objected, the Court is required to review the Report and Recommendation de novo pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b)(3). The Court has undertaken that de novo review and has concluded that Magistrate Judge Schultz’s analysis and conclusions are correct.

Therefore, based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Objections to the Report and Recommendation [ECF No. 6] are **OVERRULED**;
2. The Report and Recommendation [ECF No. 5] is **ACCEPTED** in full;
3. The action is **DISMISSED WITHOUT PREJUDICE** for lack of subject-matter jurisdiction;
4. The application to proceed *in forma pauperis* [ECF No. 3] is **DENIED**; and
5. It is certified that any appeal taken from the dismissal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 9, 2020

s/ Eric C. Tostrud

Eric C. Tostrud
United States District Court